IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

MONDAY, THE 23RD JULY 2007 / 1ST SRAVANA 1929

WP(C).No. 17919 of 2007(S)

I.A. 545/2007 IN OP.91/2006 of FAMILY COURT, MALAPPURAM
.....

PETITIONER:

ABOOBACKER,
KOTTAYIL HOUSE, PULLIPARAMB P.O., CHELEMBRA,
REPRESENTED BY HIS POWER OF ATTORNEY HOLDER,
P. SAITHALAVI, S/O.MUHAMMED, SANKARA EDAKKATTU HOUSE, P.O. PUTHUKODU, RAMANATTUKARA (VIA),
MALAPPURAM DISTRICT.

BY ADV. SRI. K. RAMAKUMAR
SRI. R. JAYACHANDRAN

RESPONDENTS:

RAMLATH, D/O. ABDUL RAHIMAN HAJI,
CHELEMBRA, MALAPPURAM DISTRICT.

BY ADV. SRI. K.T. SHYAMKUMAR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 23/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KURIAN JOSEPH & T.R. RAMACHANDRAN NAIR, JJ.

W.P. (C) NO. 17919 OF 2007

Dated this the 23rd day of July, 2007.

J U D G M E N T

Kurian Joseph, J.

Challenge is on the order dated 16.04.2007 in I.A. No. 545/2007 in O.P. No. 91/2006 on the file of Family Court, Malappuram.

2. Writ petitioner is the husband. The question that arose for consideration in the order is whether the document offered a security is sufficient to meet the decree debt of around Rs. 12 lakhs. The Family Court found that the petitioner had not produced any documents with regard to the valuation. Instead, the court was persuaded to do the valuation on the basis of conjectures and surmises. The petitioner did not produce any materials regarding the valuation of the property. Petitioner prays for an opportunity to produce materials.

Having heard the counsel on both sides, we are of the view that an opportunity is to be given enabling the petitioner to produce sufficient materials regarding the valuation of the property which is offered as security. Accordingly, we set aside

Exhibit P1 order with a direction to the Family Court, Malappuram to consider the matter afresh after giving an opportunity to the petitioner to produce sufficient materials regarding valuation of the property. The parties will appear before the Family Court on 20.08.2007. The Family Court shall dispose of the interlocutory application within a period of another two months.

KURIAN JOSEPH
JUDGE

T.R. RAMACHANDRAN NAIR
JUDGE

smp